

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERT M. ROSS,

Plaintiff,

vs.

STEPHEN BROWN, et al.,

Defendants.

Case No. 2:07-cv-00873-KJD-GWF

ORDER

Application to Employ
Auctioneer (#106)

This matter comes before the Court on Plaintiff Robert Ross' ("Plaintiff") Application to Employ Auctioneer (#104), filed on November 13, 2012. Responses to the instant motion were due November 30, 2012.

Plaintiff represents the Central District of California entered a judgment against Defendants in favor of Plaintiff on April 25, 2007, which was registered in the District of Nevada on June 6, 2012. The Clerk of this Court issued a Writ of Execution on September 20, 2012. *See* Doc. #106 Exh. 1. The amount due on the date of the Writ's issuance was \$842,317.25. "Any personalty sold under any order decree of any court" shall be sold in accordance with 28 U.S.C. § 2001, "unless the court orders otherwise." Plaintiff now moves the Court to permit the sale by auction of personal property (*see* Doc. #106 Exh. 2) seized from Defendants by the U.S. Marshals to satisfy the above-described judgment. Plaintiff desires to employ Dan Watson, a licensed auctioneer, to conduct the sale for a commission of thirty percent of the net proceeds.

Under Local Rule 7-2(d), the failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion. To date, no response to the instant motion has been filed, and the time to file a response has expired. Furthermore, Plaintiff

1 establishes good cause for the granting of the motion. Accordingly,

2 **IT IS HEREBY ORDERED** that Plaintiff's Application to Employ Dan Watson, as
3 Auctioneer, Pay Commission and Motion to Sell Personal Property at Public Auction Pursuant to 28
4 U.S.C. § 2004 (#106) is **granted**. Plaintiff shall be permitted to employ Dan Watson as auctioneer, and
5 sell at auction the personal property listed in Exhibit 2 of the instant motion.

6 **IT IS FURTHER ORDERED** that the sale be conducted at 2245 N. Nellis, Las Vegas, Nevada
7 89115.

8 **IT IS FURTHER ORDERED** that Plaintiff may conduct more than one auction if necessary to
9 liquidate all personal property listed in Exhibit 2 to the instant motion. Plaintiff shall inform the Court
10 if more than one auction will be required.

11 **IT IS FURTHER ORDERED** that a status of the sale be filed with the Court no later than
12 sixty days after the completion of all auctions.

13 DATED this 11th day of December, 2012.

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16 GEORGE FOLEY, JR.
17 United States Magistrate Judge
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